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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

Larry Edward Brown, Jr.,
Defendant.

CR-24-00355-PHX-SPL

JOINT PRETRIAL MEMORANDUM

Pursuant to the Court's Order Setting Firm Jury Trial and Final Pretrial Conference (Doc. 35), the parties submit this joint pretrial memorandum.

1. Counts

The defendant is charged in the Indictment with one count, which will be tried by jury:

- Count 1: 18 U.S.C. §§ 1112 and 1114(a)(2), Involuntary Manslaughter of an Officer of the United States

2. Forfeiture Allegation

The Indictment does not include a forfeiture allegation.

3. Notices

The government has filed the following notices of the government's intent to use evidence:

- Notice of Confessions, Admissions, and Statements (Doc. 109)

- Notice of Intent to Introduce Other Acts Evidence (Doc. 110)
- Notice of Expert Testimony (Doc. 111)

4. Motions in Limine

The parties will file Motions in Limine on or before January 14, 2025, as directed by the Court's Order Setting Final Pretrial Conference.

5. Motions

The following Motions are pending, and have been fully briefed by the parties:

- Defendant's motion to suppress statements (Doc. 50)
- Defendant's motion to compel (Doc. 88)

6. Stipulations of Fact and Evidence

The parties have reached an agreement regarding certain facts and evidence, listed below. The parties will continue to work together as they prepare for trial to see whether they can reach any additional stipulations regarding facts or evidence and will advise the Court accordingly.

Stipulated Facts:

- On August 17, 2023, the victim in this case, Special Agent Patrick Bauer, was an officer of the United States engaged in the performance of his official duties.
- The firearms range at the Federal Correctional Institution Phoenix is within the District of Arizona.
- The bullet recovered from Special Agent Bauer's body was forensically identified as having been fired from the barrel of the 9mm Luger Glock pistol issued to the defendant, Larry Edward Brown, Jr.
- The chain of custody was unbroken from the recovery of the bullet from Special Agent Bauer's body through the forensic analysis conducted at the FBI Laboratory in Quantico, Virginia.
- Records from Honor Health Sonoran Crossing Medical Center produced in discovery at Bates 01-0044 through Bates 01-0129 were records made at or

1 near the time by someone with knowledge, kept in the course of regularly
2 conducted business activity, and making the record was a regular practice of
3 the hospital.

- 4 • Records from Honor Health Deer Valley Medical Center produced in
5 discovery at Bates 01-0177 through Bates 01-0830 were records made at or
6 near the time by someone with knowledge, kept in the course of regularly
7 conducted business activity, and making the record was a regular practice of
8 the hospital.

9 **7. Numbers of Witnesses and Exhibits**

10 The government anticipates offering up to 15 witnesses, not including custodians of
11 records should they be necessary to authenticate records. The government anticipates
12 offering up to 50 exhibits. Additional exhibits may be marked for other purposes such as
13 refreshing recollection, etc.

14 The defendant anticipates offering approximately 12 witnesses and offering up to
15 40 exhibits. Additional exhibits may be marked for other purposes such as refreshing
16 recollection, etc.

17 **8. Estimated Length of Trial**

18 The parties estimate the amount of hours to be allocated for each stage of trial as
19 follows:

- 20 • 6 hours – Jury Selection
- 21 • 2 hours – Opening Statements
- 22 • 36 hours – Government’s Case (including cross-examination and rebuttal)
- 23 • 28 hours – Defendant’s Case (including cross-examination and rebuttal)
- 24 • 3 hours – Closing Arguments
- 25 • 75 hours – Total

26 **9. Trial Dates**

27 The Court set a firm trial date of February 5, 2018 at 9:00 a.m. (*see* Docs. 35 and
28 103).

1 **10. Interpreter**

2 The parties do not anticipate the need for an interpreter at trial.

3 **11. Prospects for Settlement**

4 The parties have discussed settlement but have not reached an agreement.

5 **12. Procedures for Expediting Trial**

6 The parties plan to exchange exhibit lists in advance of trial and will discuss
7 stipulations related to authenticity and foundation for certain exhibits. The parties are
8 stipulating to as many factual and legal issues as possible and will be using courtroom
9 technology to present evidence.

10 **13. Additional Matters**

11 The parties do not have any additional matters to address at this time.

12
13 Respectfully submitted this 13th day of January, 2025.

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